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Application No. 10/047,545
Amendment dated November 6, 2008
Reply to Office Action of August 6, 2008

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claims 1-153. (cancelled)

154. (previously presented) An interbody spinal fusion implant for insertion within an implantation space formed across the height of a disc space between adjacent vertebral bodies of a human spine, said implant comprising:

a body having a leading end for insertion first into the disc space, a trailing end opposite said leading end, a central longitudinal axis therebetween, and a length along the central longitudinal axis, said body having opposed arcuate portions between said leading and trailing ends adapted to be placed within the implantation space oriented toward the adjacent vertebral bodies, respectively, said opposed arcuate portions having at least one opening therethrough, said openings being in communication with one another to permit for the growth of bone from adjacent vertebral body to adjacent vertebral body through said implant, said body having at least one truncated side extending between said opposed arcuate portions and between said leading and trailing ends; and

a thread along at least a portion of the length of said body adapted to engage said implant to the adjacent vertebral bodies, said thread having a thread height measured from said body which is greatest at said at least one truncated side, said at least one truncated side having a truncated portion between said thread and said leading end.

155. (previously presented) The spinal fusion implant of claim 154, wherein said opposed arcuate portions are in an angular relationship to each other along at least a portion of the length of said implant sufficient to maintain the adjacent vertebral bodies in an angular relationship to each other.

156. (previously presented) The spinal fusion implant of claim 155, wherein said implant is configured to be inserted from a posterior approach to the vertebral bodies.

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157. (previously presented) The spinal fusion implant of claim 155, wherein said implant is configured to be inserted from an anterior approach to the vertebral bodies.
158. (previously presented) The spinal fusion implant of claim 154, wherein each of said opposed portions comprises an interior surface, said interior surfaces being spaced apart to define a hollow interior in communication with said openings.
159. (previously presented) The spinal fusion implant of claim 158, wherein said implant includes an access opening for accessing said hollow interior.
160. (previously presented) The spinal fusion implant of claim 159, wherein said access opening is configured to permit introduction of a fusion promoting substance into said hollow interior.
161. (previously presented) The spinal fusion implant of claim 159, further comprising a cap for closing said access opening.
162. (previously presented) The spinal fusion implant of claim 154, wherein said body has a second truncated side opposite to said one truncated side.
163. (previously presented) The spinal fusion implant of claim 154, further in combination with a fusion promoting substance.
164. (previously presented) The spinal fusion implant of claim 163, wherein said fusion promoting substance is bone morphogenetic protein.
165. (previously presented) The spinal fusion implant of claim 163, wherein said fusion promoting substance includes hydroxyapatite.
166. (previously presented) The spinal fusion implant of claim 163, wherein said fusion promoting substance includes hydroxyapatite tricalcium phosphate.
- Claim 167. (cancelled)
168. (previously presented) The spinal fusion implant of claim 163, wherein said fusion promoting substance is bone.
- Claims 169-194 cancelled.
195. (currently amended) An interbody spinal fusion implant for insertion within an implantation space formed across the height of a disc space between adjacent vertebral bodies of a human spine, said implant comprising:

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a body having a leading end for insertion first into the disc space, a trailing end opposite said leading end, a mid-longitudinal axis through said leading and trailing ends, and opposed arcuate portions between said leading and trailing ends adapted to be placed within the implantation space oriented toward the adjacent vertebral bodies, respectively, one of said opposed arcuate portions adapted to contact one of said adjacent vertebral bodies, and the other of said opposed arcuate portions adapted to contact the other said adjacent vertebral bodies, said opposed arcuate portions maintaining a spaced relationship between the adjacent vertebral bodies in the implantation space, said opposed arcuate portions having at least one opening therethrough, said openings being in communication with one another to permit for the growth of bone from adjacent vertebral body to adjacent vertebral body through said implant; and
a thread extending from at least adjacent said leading end to at least adjacent said trailing end, said thread adapted to engage said implant to the adjacent vertebral bodies and to facilitate rotation of said implant from a first position to a second position during insertion thereof into the implantation space, said thread having a thread height measured from said body, said thread height varying along more than one turn of said thread.

196. (previously presented) The spinal fusion implant of claim 195, wherein said implant is at least in part bioabsorbable
197. (previously presented) The spinal fusion implant of claim 195, wherein each of said arcuate portions include a plurality of openings therein.
198. (previously presented) The spinal fusion implant of claim 195, wherein said body has an internal chamber and means for accessing said internal chamber.
199. (previously presented) The spinal fusion implant of claim 198, wherein said internal chamber is capable of containing fusion promoting material.
200. (previously presented) The spinal fusion implant of claim 198, wherein internal chamber said includes a wall surrounding said internal chamber.
201. (previously presented) The spinal fusion implant of claim 200, wherein said wall has a plurality of openings passing therethrough in communication with said internal chamber.

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- 202. (previously presented) The spinal fusion implant of claim 198, wherein said implant has means for closing said accessing means.
- 203. (previously presented) The spinal fusion implant of claim 195, wherein one of said ends is configured to engage instrumentation for the insertion of said implant.
- 204. (previously presented) The spinal fusion implant of claim 195, wherein said implant is configured to be placed in close proximity in a side by side alignment to a second spinal fusion implant, said first and second implants when placed together having a combined overall width that is less than the sum of the individual maximum diameters of each of said first and second implants.
- 205. (previously presented) The spinal fusion implant of claim 195, wherein said body has a first truncated side forming a planar surface parallel to the mid-longitudinal axis
- 206. (previously presented) The spinal fusion implant of claim 205, wherein said body has a second truncated side forming a planar surface parallel to the mid-longitudinal axis and opposite to said first truncated side.
- 207. (previously presented) The spinal fusion implant of claim 206, wherein said thread has a thread height measured from said body which is greatest at at least one of said truncated sides,
- 208. (previously presented) The spinal fusion implant of claim 205, wherein said thread has a thread height measured from said body which is greatest at said first truncated side.
- 209. (previously presented) The spinal fusion implant of claim 195, wherein said implant is made of a material that is stronger than bone.
- 210. (previously presented) The spinal fusion implant of claim 195, in combination with a fusion promoting substance.
- 211. (previously presented) The spinal fusion implant of claim 210, wherein said fusion promoting substance includes at least one of bone, bone morphogenetic protein, hydroxyapatite, and hydroxyapatite tricalcium phosphate.

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- 212. (previously presented) The spinal fusion implant of claim 195, wherein said thread has a variable height along each turn of said thread about the mid-longitudinal axis of said body.
- 213. (previously presented) The spinal fusion implant of claim 195, wherein said thread is uninterrupted.
- 214. (previously presented) The spinal fusion implant of claim 195, wherein an outer locus of said thread has a substantially cylindrical configuration.
- 215. (previously presented) The spinal fusion implant of claim 195, wherein said body has a substantially cylindrical configuration.
- 216. (previously presented) The spinal fusion implant of claim 195, wherein said thread has a pitch, further comprising a second thread around the mid-longitudinal axis of said body, said second thread having a pitch that is different than the pitch of said thread.
- 217. (previously presented) The spinal fusion implant of claim 216, wherein said second thread is adapted to engage an associated thread of an implant cap.
- 218. (previously presented) The spinal fusion implant of claim 216, wherein said second thread is adapted to engage an associated thread of an implant inserter tool.

Claims 219 and 220 cancelled.

- 221. (previously presented) A fusion device for facilitating arthrodesis in the disc space between adjacent vertebrae, comprising:
 - an elongated body having a length and an outer surface extending along said length, said outer surface including a pair of oppositely disposed arcuate portions and at least one substantially flat portion extending between said pair of arcuate portions, said pair of arcuate portions defining external threads extending substantially entirely along said length of said body, said at least one substantially flat portion extending along a substantial portion of said length of said body, said at least one substantially flat portion terminating adjacent a first end of said elongated body, said external threads defining at least one circumferentially continuous thread extending along a majority of the length of said elongated body.

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222. (previously presented) A spinal fusion implant, said implant comprising:

a body having a leading end, a trailing end, a length between said leading and trailing ends, and an outer surface, said outer surface including an upper portion, a lower portion, an external thread, and at least one truncated side wall extending between said upper and lower portions, said upper and lower portions each forming at least in part a portion of cylinder, said external thread extending over a substantial portion of the length of said body from a starting location adjacent said leading end toward said trailing end, said at least one truncated side wall extending along a majority of the length of said body, a portion of said at least one truncated side wall extending from said leading end to said external thread.